

Serial No. 10/022,049

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PD-201139

REMARKS

Claims 1-4, 6-19, and 21-32 remain pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 16, and 32 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Claim Objection

Claim 1 has been amended to remove the objected to term "substantial portion of data." The foregoing amendment should eliminate any objection to the claims.

The Rejections under 35 U.S.C. § 103

Independent claims 1, 16, and 32 were rejected as being unpatentable over Bhatt (US 2002/0073426) in view of Trovato (US 6,445,306). It is respectfully submitted that all claims are allowable over these patents for at least the reasons set forth below.

As amended independent claims 1, 16, and 32 are directed to a system for efficient storage of data including a processor that directs that data be temporally sorted and stored by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, and data that is most likely to be accessed in the more distant future, wherein the data that is most likely to be immediately accessed is stored in a physical memory, and the data that is most likely to be accessed in the more distant future is stored in a mass storage device.

Neither Bhatt nor Trovato, either alone or in combination, discloses or suggests temporally sorting and storing data by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, stored in physical memory, and data that is most likely to be accessed in the more distant future, stored in mass storage.

In contrast, as previously noted, Bhatt describes a system wherein a selection algorithm periodically (typically daily) receives electronic program guide (EPG) data, and

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sorts and stores the data based upon user preferences, and not on any temporal considerations. Specifically, Bhatt fails to teach or suggest a system that temporally separates data into data to be immediately accessed and data to be accessed in the distant future. Rather, Bhatt describes that the EPG data stored in the memory module (i.e., the most rapid access) is obtained by identifying "preferred data" and accordingly, Bhatt describes a system that separates EPG data into data that is preferred (i.e., a user will likely access the EPG data) and non-preferred (i.e., a user will not likely access the EPG data) regardless and without comparison to a current time (e.g., a current time or time period). The examiner admits that Bhatt does not teach or suggest temporally sorting and storing of EPG data, but looks to Trovato to cure the deficiencies of Bhatt. (Office action dated January 24, 2007, page 5).

As amended, however, the recited language in claims 1, 16, and 32 clarifies that which was implicit in the original claims, namely that the EPG data is temporally sorted and stored by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application (stored in physical memory), and data that is most likely to be accessed in the more distant future (stored in mass storage). Similar to Bhatt, Trovato fails to teach or suggest temporal sorting and storing of EPG data.

In contrast, while Trovato teaches the sorting of EPG data into lists based upon the current time, Trovato fails to teach or suggest any storing of the underlying data into data stored in either physical memory, or stored in mass storage. Rather, Trovato "includes a list builder that creates a number of different lists," for example, "lists of the current program within each category." (Trovato, col. 2, ll. 48-49; col. 6, ll. 1-3). In the example identified by the examiner, the "list builder will have access to a real-time clock, and will continually update the lists to reflect the programs in each category that are scheduled to be broadcast at the current time, or within some time span of the current time." (Trovato, col. 6, ll. 3-7; emphasis added). In other words, Trovato is merely concerned with the presentation of the data to a user "for ease of understanding" (Trovato, col. 6, ll. 3), and not with efficient

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storage of data as claimed. Accordingly, while the presentation of data in Trovato may change based upon the current time, the actual storage location of the underlying data will not be effected.

Furthermore, if Bhatt and Trovato were combined, the result would be a system in which EPG data is sorted and stored by without comparison to any temporal conditions (Bhatt), but which is presented to the user in a list sorted by the current time "for ease of understanding" without change to the storage location of the underlying data (Trovato). This combined system, however, does not teach or suggest a system in which the data is sorted and stored based upon temporal considerations for efficient storage of data as required by the present claims.

Therefore due to the deficiencies in both Bhatt and Trovato, it follows that no combination of Bhatt and Trovato can render obvious claims 1, 16, or any claims dependent thereon. In particular, because neither Bhatt nor Trovato discloses temporally sorting and storing data by comparison of a current time to a time associated with the data, into data that is most likely to be immediately accessed for an application, stored in physical memory, and data that is most likely to be accessed in the more distant future, stored in mass storage, no combination of Bhatt and Trovato can obviate the claims.

Accordingly, for at least the foregoing reasons, it is respectfully submitted that claims 1, 16, 32, and all claims dependent thereon are in condition for allowance.

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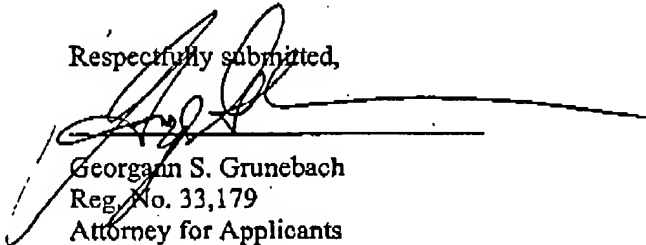
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Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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